

Court of Appeals, State of Michigan

ORDER

Jennifer Mayer v Thomas M Cooley Law School

Docket No. 289098

LC No. 08-000923-CK

Karen M. Fort Hood
Presiding Judge

Kirsten Frank Kelly

Christopher M. Murray
Judges

The Court orders, pursuant to MCR 7.205(D)(2), that the trial court's November 6, 2008 order entered on plaintiff's motion for a preliminary injunction is REVERSED. An irreparable injury is an indispensable requirement to obtain a preliminary injunction. *Michigan Coalition of State Employees Unions v Civil Service Comm*, 465 Mich 212, 225-226; 634 NW2d 692 (2001). To establish irreparable injury, "[t]he injury must be both certain and great, and it must be actual rather than theoretical." *Thermatool v Corporation v Borzym*, 227 Mich App 366, 377; 575 NW2d 334 (1998). In this case, the trial court found irreparable injury in that plaintiff would be unable to attend law school and pursue her desired profession. However, if plaintiff succeeds in the underlying action and obtains the relief she is requesting, she will be reinstated and allowed to continue her matriculation. Also, even if plaintiff does not obtain the relief requested, she will be able to apply for readmission to law school. Consequently, plaintiff has not necessarily been precluded from pursuing a legal education and career. As a result, the harm cited by the trial court is not actual and certain. See *Buck v Thomas M Cooley Law School*, 272 Mich App 93, 98 n 4; 725 NW2d 485 (2006). In addition, while a delay in her pursuit of a legal education and career would be actual and certain in the absence of an injunction, we are not convinced that plaintiff has established that any harm from the delay alone would be "great." In the absence of a showing of irreparable harm, the trial court abused its discretion in granting preliminary injunctive relief.

The motion for stay pending resolution of this appeal is DISMISSED AS MOOT.

This order shall have immediate effect. MCR 7.215(F)(2).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JAN 07 2009

Date

Sandra Schultz Mengel
Chief Clerk